

App. No. 10/686,134

Amdt dated August 19, 2004

Reply to Office action of May 24, 2004

Remarks

Claims 7-26 are now in the case. Of the claims, 7, 15, and 24 are independent, the rest being dependent. In the present office action response, claims 7, 15, 17, and 24 are herein amended to clarify the invention, and dependent claims 25-26 are new. Claim 21 is withdrawn, and is requested to be reinstated upon issuance of a notice of allowance. A 37 C.F.R. 1.131 Declaration is enclosed.

35 U.S.C. §102(b) and §103(a) Rejections

The Examiner has rejected claims 7-24 under either 35 U.S.C. §102(b) as being anticipated by Garceau et al, U.S. Publication No. 2003/0160427, or as being unpatentable under 35 U.S.C. §103(a) as being obvious based on combinations of references that include Garceau.

The Garceau publication has a filing date of February 22, 2002. Although the filing date of the instant application is October 14, 2003, the instant application is a Divisional application of application serial no. 10/119,258, which is now U.S. Patent No. 6,652,020. The parent application, namely application serial no. 10/119,258, has a filing date of April 9, 2002. As a Divisional application, the instant application has an effective filing date equal to the Divisional application, namely April 9, 2002. Since the effective filing date of the instant application is only approximately one and a half months later than Garceau, a 35 U.S.C. §102(b) rejection is improper. Without opining as to the merits of the rejections, all purported rejections should be either based on either §102(e) or 102(e)/103.

Since all rejections should be based on 35 U.S.C. §102(e), or §102(e)/103 the applicant has enclosed a 37 C.F.R. 1.131 Declaration that establishes reduction of the invention to practice before February 22, 2004. As further evidence of reduction to practice before the effective filing date of Garceau, the applicant refers to Application serial no 10/045,365, entitled "Trailer

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Frame," having a filing date of November 7, 2001, and having co-inventors Jeffrey Few and Bernard Garceau. In the parent application to the instant application, the applicant submitted a 37 C.F.R. 1.132 Declaration, which stated that the instant inventor, Mr. Few, was also the inventor of the bracket illustrated but not claimed in the 10/045,365. As such, the bracket (60) shown in FIGS. 7, 8, and 10 of the 10/045,365 was not "by another."

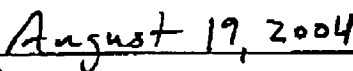
In the same manner, since the 10/045,365 application was filed November 7, 2001, it provides direct evidence that the instant inventor, Mr. Few, reduced the bracket as claimed in the instant application to practice before the filing date of Garceau, namely before February 22, 2002. Garceau does not qualify as prior art with regard to the instant application. Since all claims have been rejected by either Garceau alone or in combination with another reference, the 37 C.F.R. 1.131 declaration should overcome all of the rejections. As such, the applicant respectfully requests allowance of all claims.

Respectfully submitted,

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Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey P. Few **Examiner:** Patel, Kiran
Serial No.: 10/686,134 **Art Unit:** 3612
Filed: October 14, 2003 **Date:** July 26, 2004
For: **REINFORCING BRACKET FOR TRAILER-FRAME BUTT JOINTS**

**DECLARATION UNDER 37 C.F.R. §1.131 TO ESTABLISH COMPLETION OF THE
INVENTION OF THIS APPLICATION IN THE UNITED STATES AT A DATE PRIOR TO
FEBRUARY 22, 2002**

I, Jeffrey P. Few, do hereby declare that:

(1) I am the sole inventor of U.S. Application Serial No. 10/119,258, filed April 9, 2002, now U.S. Patent No. 6,652,020 and entitled REINFORCING BRACKET FOR TRAILER-FRAME BUTT JOINTS.

(2) I am the sole inventor of the instant U.S. Application Serial No. 10/686,134 filed October 14, 2003 and entitled REINFORCING BRACKET FOR TRAILER-FRAME BUTT JOINTS, which is a Divisional of U.S. Application Serial No. 10/119,258.

(3) I am a co-inventor with Bernard Garceau on U.S. Application Serial No. 10/045,365, filed November 7, 2001 and entitled TRAILER FRAME.

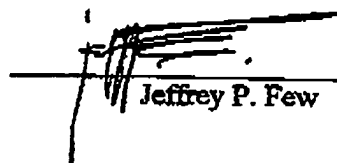
(4) At least Figure 7 of U.S. Application Serial No. 10/045,365 illustrates a Reinforcing Bracket for Trailer-Frame Butt Joints, as described and claimed in at least one embodiment of the instant U.S. Application Serial No. 10/686,134.

(5) The Reinforcing Bracket shown in Figure 7 of U.S. Patent Application No. 10/045,365 was derived from me.

(6) The Reinforcing Bracket shown in Figure 7 of U.S. Patent Application No. 10/045,365 was actually invented by me.

(7) The invention as described and claimed in the instant application was reduced to practice prior to October 25, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S.C. and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jeffrey P. Few

8/16/04

Date